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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/686,467

10/14/2003

Michelle Jillian Fuwaua

3715-016 DIV1

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04/06/2004

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EXAMINER

TRUONG, BAO Q

ART UNIT

PAPER NUMBER

2875

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/686,467		FUWAUSA ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Bao Q. Truong		2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10142003</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “a reflector mounted on said disc” of claim 31 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: there is lack of antecedent basis for “a reflector mounted on said disc” of claim 31 in the specification.

3. Page 18 line 24, “an emitter 128” should be changed to –an emitter 127--.  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2875

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 21-24, 26-28, 31, 32, 34 and 35 are rejected under 35 U.S.C. 102(e) as being anticipated by Wojnarowski et al. [US 6,452,217].

Regarding claims 21 and 26, Wojnarowski et al. disclose a flashlight [80] having an elongated body [83], a battery [92], a UV emitter including a semiconductor junction [36] and a projection mirror [88] (figures 11, 13 and 14-18, column 5 lines 55-67, column 7 lines 25-34, column 8 line 28-53).

Regarding claim 22, Wojnarowski et al. disclose a quartz element [82] attached to an end (figure 18).

Regarding claim 23, Wojnarowski et al. disclose the quartz element [82] being arranged and constructed to shape the beam from the UV emitter (figure 18).

Regarding claim 24, Wojnarowski et al. disclose the quartz element [82] being removable (figure 18).

Regarding claim 27, Wojnarowski et al. disclose the UV source without a lens (figure 16).

Regarding claim 28, Wojnarowski et al. disclose a power source [92] (figure 18).

Regarding claim 31, Wojnarowski et al. disclose a UV emitter [36] including a disc [surface to attached LED die 52] and a reflector (column 7 lines 26-30).

Regarding claims 32 and 34, Wojnarowski et al. disclose a lens [82] (figure 82).

Regarding claim 35, Wojnarowski et al. disclose the semiconductor junction being mounted in a metallic package [34] (figures 5-7, column 4 lines 55-58).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wojnarowski et al. in view of Visciano [US 4,495,550].

Regarding claims 25, 29 and 30, Wojnarowski et al. disclose a housing body [83] but do not disclose the body being flexible or the body including the rigid portion and the flexible portion.

Visciano teaches the use of a flexible housing body [22] and a rigid body [12] to allow the flashlight to change shape (figure 2, column 2 lines 16-25).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the housing body of Wojnarowski et al. with the flexible housing body as taught by Visciano to change the flashlight body shape for purpose of providing a design shape configuration.

8. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Wojnarowski et al. in view of Shanley et al. [US 6,630,682].

Regarding claim 33, Wojnarowski et al. do not disclose the set of replacement lenses having different shape and generating different type of beam.

Shanley et al. teach the use of a set of replacement lenses [16, 18] having different shape and generating different type of beam (figures 1-4, column 2 lines 48-54, column 3 lines 51-55, column 4 lines 36-40).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the lens of Wojnarowski et al. with the set of replacement lenses as taught by Shanley et al. to obtain a different type of beam for purpose of providing a better visible light and protect human eyes from hazard.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lebens et al. [US 6,095,661] disclose a UV LED flashlight.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Q. Truong whose telephone number is (571) 272-2383. The examiner can normally be reached on Monday-Friday (7:00 AM - 3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 2875

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.


For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Bao Q. Truong  
Examiner  
Art Unit 2875

BQT



THOMAS M. SEMBER  
PRIMARY EXAMINER